

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.: 03-CV-00983-FJG
v.	)	
	)	<u>COMPLAINT</u>
RT KCMO FRANCHISE, LLC, d/b/a	)	
RUBY TUESDAY,	)	JURY TRIAL DEMAND
	)	
	)	
Defendant.	)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices on the basis of race and to provide appropriate relief to Luchien Blount and another Black job applicant who were adversely affected by such practices.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), and Section 102(d) of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Missouri.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and

enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant RT KCMO FRANCHISE, LLC, d/b/a Ruby Tuesday is a Delaware limited liability company that has continuously been doing business in the State of Missouri and the City of Independence and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

#### STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Luchien Blountt filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August 22, 2002, Defendant has engaged in unlawful employment practices at its Independence, Missouri location, in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2(a)(1). Defendant failed to hire Luchien Blountt and another applicant, both of whom are Black, because of their race. After Defendant failed to hire Mr. Blountt, White applicants with similar or less qualifications than Mr. Blountt and the other Black applicant, were hired.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Luchien Blountt and another Black applicant of equal employment opportunities and otherwise adversely affect their status as applicants for employment because of their race.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Luchien Blountt and the other Black applicant.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in and any other employment practice which discriminates on the basis of race.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for Black people and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make Luchien Blountt and the other Black applicant whole, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to the rightful place reinstatement of Luchien Blountt and the other Black applicant.

D. Order Defendant to make Luchien Blountt and the other Black applicant whole, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in amounts to be determined at trial.

E. Order Defendant to make Luchien Blountt and the other Black applicant whole, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Luchien Blountt and the other Black applicant punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

ERIC S. DREIBAND  
General Counsel

JAMES L. LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

\_\_\_\_\_/s/\_\_\_\_\_  
ROBERT G. JOHNSON  
Regional Attorney

\_\_\_\_\_/s/\_\_\_\_\_  
DONNA L. HARPER  
Supervisory Trial Attorney

\_\_\_\_\_/s/\_\_\_\_\_  
ANDREA L. TAYLOR, MO Bar No. 42733  
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Kansas City Area Office  
Gateway Tower II Building  
400 State Avenue, Suite 905  
Kansas City, Kansas 66101  
(913) 551-5844  
(913) 551-6957 - Telecopier

REQUEST FOR PLACE OF TRIAL

Plaintiff requests trial of the above case to be held in Kansas City, Missouri.

\_\_\_\_\_/s/\_\_\_\_\_  
ANDREA L. TAYLOR  
Senior Trial Attorney